

SUPREME COURT OF CALIFORNIA

**NOTICE OF
FORTHCOMING FILING**

The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site (www.courtinfo.ca.gov) and copies will be made available at the Supreme Court Clerk's Office.

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

21st CENTURY INSURANCE COMPANY v. SUPERIOR COURT

S154790 (D049430; San Diego County Superior Court – GIC857010)
Argued in San Francisco 5-28-09

This case includes the following issue: Should an insured's attorney fees and costs incurred to obtain compensation from a third party tortfeasor be taken into account when applying the rule that an insurer cannot seek reimbursement from the insured unless the insured has been "made whole" by the recovery from the tortfeasor and other sources?

PEOPLE v. MOYE (ALEXANDER)

S157980 (B192331; Los Angeles County Superior Court – KA074073)
Argued in San Francisco 5-28-09

This case presents the following issue: Did the trial court err to defendant's prejudice in failing to instruct the jury on voluntary manslaughter on a theory of provocation and heat of passion as a lesser included offense of second degree murder?

Opinion(s) in the above case(s) will be filed on:

Monday, August 24, 2009 at 10:00 a.m.